

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

**TRISTAR INVESTORS, INC.,**

**Plaintiff,**

**v.**

**AMERICAN TOWER CORPORATION,  
AMERICAN TOWERS LLC, AMERICAN  
TOWERS INC., AMERICAN TOWER  
GUARANTOR SUB, LLC, AMERICAN  
TOWER HOLDING SUB, LLC, AMERICAN  
TOWER ASSET SUB, LLC, AMERICAN  
TOWER ASSET SUB II, LLC, AMERICAN  
TOWER MANAGEMENT, LLC,  
AMERICAN TOWER L.P., SPECTRASITE  
COMMUNICATIONS, LLC, and  
AMERICAN TOWER, LLC,**

**Defendants.**

**CIVIL ACTION NO. 3:12-CV-499-M**

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**AMERICAN TOWER, LLC, SPECTRASITE  
COMMUNICATIONS, LLC, and  
AMERICAN TOWERS, LLC,**

**Counter-Plaintiffs,**

**v.**

**TRISTAR INVESTORS, INC., DAVID IVY,  
ED WALLANDER, ROBERT GILES,  
DALE GILARDI, JERRY VOGL,  
JOHN LEMMON, MICHAEL MACKEY,  
and MATT NEWTON,**

**Counter-Defendants.**

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**AGREED ORDER**

Pursuant to the Court's November 1, 2012 Order and Discovery Protocol (Doc. 65), Plaintiff sent a letter initiating the discovery dispute process on March 8, 2013. Counsel for the

parties conferred in person and by telephone on March 12, 2013 and resolved certain disputed issues. The Court enters the following orders memorializing the parties' agreement.

The Court **ORDERS** Defendants to produce the following documents by March 18, 2013:

- Alexander Macheras's resignation letter, any related documents in Mr. Macheras's personnel file, and any other documents in Mr. Macheras's personnel file related to TriStar or to American Tower's policies, procedures, or practices for negotiating with landowners;
- documents in the personnel files of Mark Kearns, Brenda Berry, and/or Neil Crocker related to TriStar or to American Tower's policies, procedures, or practices for negotiating with landowners;
- spreadsheets summarizing American Tower's OPEX transactions with landowners prior to 2011, to the extent such spreadsheets exist;
- the document(s) prepared by Mrs. Baize or any other American Tower employee in response to action items 17 and 19 on page 9 of ATC01707533, to the extent such documents exist;
- a complete list (by Bates label) of the form letters sent by American Tower to landowners at any of the 5,531 sites at issue, along with a corresponding list (by Bates label) of the mailing lists to which the letters were sent, to the extent Defendants have not already provided a complete list;
- American Tower's land lease representative or account manager compensation plans for the years 2006-2011 and 2013;
- the third amendment to the services agreement between American Tower and The Lyle Co.;
- American Tower's training materials for land lease representatives and/or account managers, including but not limited to the materials offered in classroom training sessions;
- all versions of the PowerPoint presentation(s) that Ben Myers has shared or shares with land lease representatives or account managers when they are hired;
- cheat sheets or other documents prepared by or for land lease representatives or account managers summarizing American Tower's rights and obligations under its sublease agreements, to the extent such documents exist; and

- all documents containing the phrase “project eighteen.”

The Court **ORDERS** Defendants to produce the following documents by March 26, 2013:

- documents in the personnel files of other current or former employees in American Tower’s land management group that relate to TriStar or to American Tower’s policies, procedures, or practices for negotiating with landowners; and
- emails between American Tower and The Lyle Co., to the extent that they have not already been produced.

The Court **ORDERS** Defendants to produce the following documents by April 1, 2013:

- the documents that are responsive to Requests 3-34, 37-38, 40-49, 51-60, and 64-69 in TriStar Seventh Set of Requests for Production.

The Court **ORDERS** Plaintiff to supplement the following answers to Defendants’

Interrogatories by March 22, 2013:

- Nos. 1, 2, and 4 of American Tower’s Third Set of Interrogatories.

**SO ORDERED** on this 15th day of March, 2013.

  
IRMA CARRILLO RAMIREZ  
UNITED STATES MAGISTRATE JUDGE

**AGREED:**

/s/ Matthew R. Stammel

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